## Fiscal Estimate - 2005 Session

	Original		Updated		Corrected		Supplemental			
LRB	Number	05-4321/3		Intro	duction Numl	oer A	B-1181			
<b>Description</b> Mercury in drugs, prohibiting different insurance coverage of immunizations for children on the basis of the amount of mercury contained in the vaccine used, and providing a penalty										
Fiscal	Effect									
	No State Fisc Indeterminate Increase E Appropriat Decrease Appropriat Create Ne	Existing tions Existing	Increase E Revenues Decrease Revenues		to abs		a - May be possible n agency's budget ☐ No s			
	No Local Gov Indeterminate 1. Increase Permiss 2. Decreas	e Costs ive  Mandato	3.  Increase R ry Permissive 4.  Decrease I	Mar Revenu	datory ☐To ☐Co ☐ ☐Sc		its Affected Village Cities Others WTCS Districts			
Fund Sources Affected  Affected Ch. 20 Appropriations  GPR FED PRO PRS SEG SEGS										
Agend	y/Prepared E	Зу	Auth	orized S	Signature		Date			
SPD/ Mike Tobin (608) 266-8259 Krista				Ginger	4/14/2006					

## Fiscal Estimate Narratives SPD 4/17/2006

LRB Number <b>05-4321/3</b>	Introduction Number	AB-1181	Estimate Type	Original					
Description  Mercury in drugs, prohibiting different insurance coverage of immunizations for children on the basis of the amount of mercury contained in the vaccine used, and providing a penalty									

## **Assumptions Used in Arriving at Fiscal Estimate**

The State Public Defender (SPD) provides legal representation in criminal cases and other specified proceedings in which the loss of personal liberty or parental rights may occur. For adult clients, the SPD must complete a financial eligibility evaluation before appointing an attorney. SPD services are constitutionally required because in the case types handled by SPD, a defendant without the financial means to hire an attorney has the right to have an attorney appointed. Therefore, any bill that would increase the number of cases handled by SPD would increase SPD costs.

This bill would create a new criminal offense for which SPD would be required to appoint attorneys. The new criminal offense is the administration of vaccines that contain an excessive concentration of mercury. Thus, most defendants for the new offense would likely be employees or officers of health care providers, who would likely exceed the SPD's strict financial eligibility criteria. Therefore, in light of the likely demographics of the defendants under this bill, it is unclear whether the SPD would see any additional cases.

Costs to counties would result from appointment of counsel for defendants ineligible for SPD, but constitutionally entitled to representation under State v. Dean. Incarceration costs would also occur for defendants held in jail (both pending court hearings and serving sentences). However, because of the likely demographics of defendants under this bill, it is unclear whether the counties would see additional costs in these areas.

We are not aware of any existing data to predict the number of new cases resulting from this bill, but we could track this number in the future.

**Long-Range Fiscal Implications**